

REMARKS

In accordance with the foregoing, claims 1, 2, 6, 9-24, 29, and 30 are amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 2, 4-24, 29, and 30 are pending and under consideration. Reconsideration is respectfully requested.

EXAMINER INTERVIEW

First, Applicants wish to thank the Examiner for the courtesy of an interview granted to Applicant's representative on January 29, 2008, at which time the outstanding issues in this case were discussed. Independent claim 29 is amended for clarification based on the discussion during the interview.

REJECTION UNDER 35 U.S.C. §103:

Claims 1, 2, 4-24, 29 and 30 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,487,600 to Lynch (hereinafter "Lynch") in view of U.S. Patent Publication No. 2002/0120783 to Evgey ("Evgey").

Applicants have amended the claims to clarify the claimed subject matter in view of the discussions with the Examiner during the personal interview. No new matter is added. For enhancing clarity, the amended claims use an alternative simpler language to recite the claimed features. The claims are fully supported by the originally filed specification.

Amended independent claims 1, and 22-24 patentably distinguish over Lynch and Evgey at least by reciting (for example in claim 1)

until the stop condition is satisfied, for any recipient user terminal that has received the distribution content, determining, by the computer, one or more destination user terminals to which the distribution content will be distributed, the destination user terminals being selected from user terminals whose identifiers are correlatively stored with the identifier of the recipient terminal in the buddy list, in accordance with the distribution condition, and transmitting the distribution content from the recipient user terminal to the one or more destination terminal.

The Office Action submits that Lynch does not disclose transmitting the distribution content either initially to the primary destinations (the formerly recited first distribution step) or repeatedly (the formerly recited second distribution step) from user terminals that have received

the distribution content to other user terminals associated to them according to the buddy list (see the Office Action mailed on December 12, 2008, page 4 lines 7-15). However, Lynch is relied upon for disclosing the stop condition (see the Office Action mailed on December 12, 2008, page 4 lines 3-6). Evgey is relied upon to disclose both transmitting the distribution content from the computer to the primary destinations and the repeated transmission from user terminals that have received the distribution content.

Since the repeated transmission is performed until the stop condition is met, it is logically flawed to assume that a stop condition the fulfillment of which stops the repeated transmission is disclosed in a reference (Lynch) where the system does not perform the repeated transmission, is obviously applied in a system disclosed in a reference (Evgey) where there is no conditional stopping of the repeated transmission.

Moreover, the Office Action indicates col. 7, lines 6-67 and col. 8 lines 1-14 of Lynch as disclosing the stop condition. However, although Lynch describes a backoff rule this is only applied as "when a busy signal is received, a call is reattempted after a predetermined time period). This is merely a rule that applies between user A and user B and not to stop a chain distribution $A \Rightarrow B \Rightarrow C \Rightarrow \dots$.

In view of the above, Applicants respectfully submit that the amended pending claims, 1, 2, 4-24, 29 and 30, patentably distinguish over the cited prior art.

CONCLUSION:

There being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.


If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

Serial No. 10/067,297

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: March 12, 2008 By: 
Luminita A. Todor
Registration No. 57,639

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501